

**BOROUGH OF MIDDLESEX  
REGULAR MEETING MINUTES  
JUNE 14, 2016**

**MAYOR'S STATEMENT:** Under the provisions of N.J.S.A. 10:4-6 et seq., notice of the time and place of this meeting was given by way of the Annual Meeting Notice of January 2, 2015 and was forwarded to the Star Ledger, Courier News and Home News, and posted at Borough Hall.

**SALUTE TO THE FLAG**

**ROLL CALL**

Mayor	Ron DiMura
Council President	Sean Kaplan
	Stephen Greco
	Patrick Corley
	John Madden
	Bob Schueler
	Jack Mikolajczyk

Attorney:	Aravind Aithal
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**PRESENTATIONS-NONE**

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**APPOINTMENTS**

Mayor DiMura appointed Jim Benson, Cindy Chomen, Karl Orth and Kim Keyes to the Ethics Board.

Mayor DiMura appointed Mike Conahan to the Fields & Parks Committee.

Mayor DiMura appointed Kim Keyes to the Economic Development Committee.

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**PROCLAMATIONS-NONE**

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**NEW BUSINESS**

The Borough Clerk read Ordinance No. 1892-16 by title for introduction.

**ORDINANCE NO. 1892-16**

**AN ORDINANCE AMENDING THE "CODE OF THE BOROUGH MIDDLESEX"**

## **CHAPTER 343-8 PROHIBITING SMOKING/VAPING ON OUTDOOR GROUNDS OF BOROUGH PUBLIC PARKS AND RECREATIONAL AREAS**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey, that:

### **Article I. Definitions**

A. Smoking/Vaping means the burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe or other matter or substance which contains tobacco or any other matter that can be smoked, or the inhaling or exhaling of smoke or vapor from an electronic smoking device.

B. Electronic smoking/vaping device means an electronic device that can be used to deliver nicotine or other substances to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, cigarillo, or pipe.

### **Article II. Smoking on School Property**

#### **343-1. Smoking Prohibited**

The smoking of tobacco products within or on any school facility, property or vehicle owned, leased or contracted by the district by an individual within the Borough of Middlesex is prohibited. Consistent with N.J.S.A. 26:3D-16, "smoking or vaping" means the burning of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco or nicotine delivery system, except as part of a classroom instruction or theatrical production.

### **Article III. Smoking in Public Places**

#### **343-8. Smoking on Outdoor Grounds of Borough Public Parks and Recreational Areas Prohibited.**

A. No person shall smoke while on the outdoor grounds of any and all of the Borough public parks, whether owned, leased or utilized by the Borough including Recreational Areas.

B. Any and all educational facilities.

C. The New Jersey Smoke-Free Air Act (N.J.S.A. 26:3D-63) specifically authorizes local restrictions on smoking "equivalent to, or greater than those provided in the NJSFAA for purposes of "protecting public health".

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Middlesex, County of Middlesex and State of New Jersey as follows:

1. Any existing ordinances or parts of ordinances which are inconsistent with this ordinance are hereby repealed but only to the extent of such inconsistency.

2. This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

Councilman Schueler made a motion for introduction seconded by Councilman Madden and carried by the following roll call vote: Ayes: Greco, Kaplan, Corley, Madden, Mikolajczyk and Schueler. No: None. Abstain: None.

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The Borough Clerk read Ordinance No. 1891-16 by title saying it had been posted on the bulletin board and made available for any person who wanted a copy.

### **ORDINANCE NO. 1891-16**

#### **AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF MIDDLESEX, COUNTY OF MIDDLESEX, NEW JERSEY ADDING TO CHAPTER 56 LAND USE PROCEDURES ARTICLE VI SECTION 47**

SECTION ONE. The Code of the Borough of Middlesex, County of Middlesex, State of New Jersey Chapter 56 Article VI Section 47 is hereby added as follows:

#### **Article VI**

##### **§ 56-47. DEVELOPER'S AGREEMENT**

- A. Within 90 days of the adoption of a resolution granting final subdivision approval or final site plan approval, there shall be executed and delivered to the Borough an agreement between the developer and the Borough incorporating all of the terms and conditions of final approval and such other conditions as deemed necessary by the Borough. The agreement shall be drawn by the Borough Attorney and shall be executed by the Mayor or Borough Administrator, owner and developer. The costs of the developer's agreement shall be paid to the Borough by the owner or developer.
- B. Extension of developer's agreement. In the event that all of the approved improvements have not been installed within the time period set forth in the developer's agreement, the developer may request, in writing, to the Borough Council, a one-year extension of the time in which to complete all improvements. No more than two such extensions will be considered unless the developer demonstrates unusual circumstances beyond his control. Any request for an extension of the developer's agreement shall be accompanied by an application fee of \$300.00 to cover the engineering and legal fees associated with the processing of the application.

SECTION TWO. All ordinances or parts of ordinances in conflict or inconsistent with any part of this Ordinance are hereby repealed to the extent that they are in such conflict or inconsistent.

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SECTION THREE. In the event that any section, part or provision of this Ordinance shall be held to be unenforceable or invalid by any court, such holding shall not affect the validity of this Ordinance as a whole, or any part thereof, other than the part so held unenforceable or invalid.

SECTION FOUR. This Ordinance shall take effect 20 days after passage and publication as provided by law.

Mayor DiMura opened the Public Hearing on Ordinance 1891-16. Seeing that there was no public participation, Mayor DiMura closed the Public Hearing on Ordinance 1891-16.

Councilman Greco made a motion for adoption seconded by Councilman Mikolajczyk and carried by the following roll call vote: Ayes: Greco, Kaplan, Corley, Madden, Mikolajczyk and Schueler. No: None. Abstain: None.

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### **ADOPTION OF MINUTES**

Councilman Madden made a motion to approve the May 24, 2016 Regular Meeting Minutes and Executive Meeting Minutes seconded by Councilman Schueler and carried by the following roll call vote: Ayes: Kaplan, Madden, Mikolajczyk and Schueler. No: None. Abstain: Greco & Corley

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### **REPORTS – STANDING COMMITTEES:**

1. Finance/Taxation/Real Estate/Construction Official/Insurance –
  - A. Shade Tree Discussion – Continuation – Councilman Schueler reported that he spoke with the CFO as to the issue of Shade Tree Commission Budget, and we can use the money from the Tree Replacement fund for purchase of trees which will count towards the Tree City USA designation, but we may not actually transfer funds to that budget until the November time frame. The Liaison will meet with Chairman of Shade Tree and Finance committee members to make sure they understand the procurement and purchasing process for use of these funds as well as general expenditures requested by the commission.
  - B. Councilman Schueler also mentioned that the Planning Board heard application from BAMCO at end of Baekeland and Factory they are making improvements to their property with respect to parking. Their application was approved which will eliminate the need for off street parking. They will restore the property to the original condition.
2. Recreation/Recreation Fields/Water & Light – Councilman Madden had nothing to report
3. Fire/OEM/Board of Health/Rescue Squad/Flood
  - A. Council President Kaplan reported that last night a tractor trailer hit the bridge on River Road and the Fire Department was on the scene. Councilman Kaplan has made a report for billback recovery, and we should receive money back from the County. Hazmat cleaned everything up and we should be reimbursed 100%.

- B. Council President Kaplan reported that on June 25 the PBA will be holding a Fishing Derby at Victor Crowell Park, which will include all emergency services. The registration for the Fishing Derby will begin at 8:30 AM and the derby will start at 9 AM. There is no rain date.
  - C. Council President Kaplan reported that Robert Poltorak was recognized for 50 years of service with Middlesex Borough Fire Department and Bill Smith was recognized for 40 years of service with the Fire Department.
4. Public Works/Parks/Sanitation/Recycling
- A. Councilman Corley reported that DPW completed a drainage project along pool pathway to help alleviate water pooling along fence line.
  - B. Also, the DPW has been working at Victor Crowell Park (lake) to clean up bank area while also trimming and pruning bushes and trees – they are also cutting in beds areas and mulching and chipping those areas. We have also re-edged around playground area and re-mulched the entire playground area.
  - C. The DPW has once again assisted in “Project Graduation” by forming out and working the pouring of cement for the graduating class to sign.
  - D. DPW has started a restoration project on the Gazebo in front of Mountain View Park which will include: sidewalks, cleaning and painting of gazebo and landscaping.
  - E. DPW actively works at cutting, cleaning, and maintaining our parks, ballfields, and borough properties on a daily basis to provide a pleasant quality of life for our Borough residents, - Please say something if you see something that requires our attention – your input is always greatly appreciated!
  - F. Just as a reminder twice a week garbage has started as of the week of June 6, 2016 and will continue until the first week in September.
  - G. Just a reminder you “MUST” call in for a bulk pick up appointment – before you put your items at the curb, all residents who fail to make an appointment will receive a violation sticker on their items!!
  - H. DPW is working to finish the project at the corner of Grant Avenue and Route 28 with the pouring of a pad and placing of a park bench under the trees.
5. Police/Legal/Code Enforcement/Construction/Municipal Court -
- A. Councilman Mikolajczyk reported that on the agenda tonight is the hiring Robyn Seif as the full time Administrative Assistant for the Middlesex Police Department. This is one of the final pieces in the transition plan for the department. This confidential

- position will enable us to better allocate our detective staff who has had a portion of their time dedicated to tasks better handled by a clerical person.
- B. Councilman Mikolajczyk stated that Lt Frank DeNick has just graduated from a course in Maleeds training. MALEEDS is a highly successful and selective program that provides insight into some of the many challenges facing today's police executives. Class size is limited in order to maximize the interaction between instructors and attendees during this comprehensive training program. The selection process draws applicants from New Jersey, New York, and Pennsylvania. MALEEDS takes place every year in June. Applications are made available in January to the chief law enforcement officer of each qualifying agency. The MALEEDS Executive Board meets each spring in order to review applications and select participants for the program. This energetic and sophisticated educational program is proudly co-sponsored by the Newark, New York, and Philadelphia Divisions of the Federal Bureau of Investigation (FBI), along with active and retired law enforcement officers. This is another feather in the cap of our command staff.
  - C. We will be having a councilmatic meeting in the next few weeks. Information is being gathered for that meeting now and once complete we will meet.
  - D. With regard to Community Day Councilman Mikolajczyk reported that work continues to progress and applications are beginning to come in.
6. Administration/Department of Senior Services/Legislation/Licensing – Councilman Greco had nothing to report.

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## **REPORTS**

### **Mayor**

- 1. Mayor DiMura reported that the pathway to the pool is working out well.
- 2. Mayor DiMura reported that with regard to the restoration to the gazebo at Mountain View Park it will be repaired, new shrubbery will be planted and a sidewalk will be installed.
- 3. Mayor DiMura reminded residents that bulk and garbage should not be put in front of your property more than 24 hours before it is collected.
- 4. Council President Kaplan reported that there is a limb stuck under the bridge on the corner of Raritan Avenue and Route 28 that must be removed. Mayor DiMura indicated that this will be taken care of by the DPW.

5. VC Park Dam – Mayor DiMura reported that we should be receiving the historic report for the Victor Crowell Park Dam by the end of June. We can go out to bid in late summer and start the project by early fall. We have allocated FEMA money and Victor Crowell money for this project.
6. South Avenue – Mayor DiMura stated that we will be going to bid on July 19 and intend to start working on this project in Mid August.
7. Warrenton Road – A resolution will be placed on the June 28, 2016 Meeting Agenda to authorize the engineer to work on this project. We anticipate going to bid in early fall, and starting work on this road in Spring, 2017.
8. Trees in Mountainview Park – Predator has cleared the edge where the trees fell from Hurricane Sandy and we intend to plant grass in this area in the fall and next year possibly plant evergreen trees along the edge. Mayor DiMura has spoken with Predator to clear the area by both soccer fields in the park and clear the edging.
9. George Street – This street has had an ongoing issue with storm drainage and the residents have requested it be repaired. The engineer has provided us with a proposal on the restructure of the road and fixing the storm drain and hopefully we will go out to bid next fall and it can be part of our capital budget next year.
10. Mayor DiMura reported that on Friday, June 10, 2016 the Police sponsored the torch run and he was impressed with the amount of people that came out. Mayor DiMura applauded both the Police Department and the Business Association for their hard work in collecting more than \$42,000 for Special Olympics.

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The Borough Clerk read the following resolution:

BE IT RESOLVED by the Mayor and Council of the Borough of Middlesex that:

**Consent Agenda 2016(P)**

**WHEREAS**, the Mayor and Council of the Borough of Middlesex has reviewed the Consent Agenda consisting of various proposed resolutions; and

**WHEREAS**, the Mayor and Council of the Borough of Middlesex wish to remove Resolution #119-16, Resolution #125-16, and #131-16 from this Consent Agenda.

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Middlesex, County of Middlesex, State of New Jersey that the following resolutions on the Consent Agenda are hereby approved and adopted.

Resolution #120-16 – Resolution #124-16

Resolution #126-16 – Resolution #127-16  
Resolution #129-16

Councilman Greco made a motion for approval seconded by Councilman Madden and carried by the following roll call vote: Ayes: Greco, Kaplan, Corley, Madden, Schueler and Mikolajczyk. No: None. Abstain: None.

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The Borough Clerk read the following resolution:

**BE IT RESOLVED** by the Mayor and Council of the Borough of Middlesex that:

**Resolution #120-16**

The Tax Collector is hereby authorized to cancel the following municipally held Tax Sale Certificate which has been redeemed.

BLOCK/LOT	NAME/ADDRESS	AMOUNT	TTL NUMBER
267/2	Union Foundry Co Inc 750 South Ave	\$10,121.17	15-01848

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The Borough Clerk read the following resolution:

**BE IT RESOLVED** by the Mayor and Council of the Borough of Middlesex that:

**Resolution #121-16**

**WHEREAS**, the Borough Council of the Borough of Middlesex, County of Middlesex, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and

**WHEREAS**, the Borough Council further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

**WHEREAS**, the Borough Council has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Middlesex.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough of Middlesex, County of Middlesex, State of New Jersey hereby recognizes the following:

1. The Borough Council does hereby authorize submission of an application for the Middlesex Municipal Alliance Grant for calendar year 2016-2017 in the amount of \$20,965.00.



2. The Borough Council acknowledges the terms and conditions for administering the Municipal Alliance Grant, including the administrative compliance and audit requirements.

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The Borough Clerk read the following resolution:

**BE IT RESOLVED** by the Mayor and Council of the Borough of Middlesex that:

**Resolution #122-16**

Accepting the Mission Statement/Bylaws of the Middlesex Borough Municipal Alliance Committee which was adopted by the governing body by Ordinance No. 1187 dated March 13, 1990.

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The Borough Clerk read the following resolution:

**BE IT RESOLVED** by the Mayor and Council of the Borough of Middlesex that:

**Resolution #123-16**

**WHEREAS**, Katherine Blair was issued a street opening permit on 8/25/15; and

**WHEREAS**, Charles Anthony deposited \$1250.00 with the Borough of Middlesex to ensure proper repair and maintenance of the roadway; and

**WHEREAS**, said roadway at 92 Conover Place was inspected by Dan Niro, Plumbing Inspector and Bob Teutsch Public Works Director, and found to have been maintained in a satisfactory manner.

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Middlesex that the disbursing officers be and they are hereby authorized to draw a check in the amount of \$937.50 in favor of Katherine Blair, 92 Conover Pl., Middlesex, NJ 08846, for refund of Street Opening Permit No. 2015-008.

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The Borough Clerk read the following resolution:

**BE IT RESOLVED** by the Mayor and Council of the Borough of Middlesex that:

**Resolution #124-16**

The application for renewal of Liquor Licenses for the year 2016-2017 which have been approved by the Police Department, Fire Department, Board of Health be accepted; and the Borough Clerk is hereby authorized to issue the following licenses in consideration of the fees which have been paid to the Borough of Middlesex and the State of New Jersey:

Shri Radha Krishna Inc. t/a Endzone Lounge

1211-33-001-003

425 Bound Brook Road

Rikjo Liquors, Inc. t/a Middlesex Liquor Store 708 Union Avenue	1211-44-005-002
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OK Liquors, t/a Cub Liquors, Inc. 242 Lincoln Boulevard	1211-32-011-004
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Vilaverdense t/a Vincenzo's Restaurant 665 Bound Brook Road	1211-33-012-004
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Middlesex Lodge 2301 BPO Elks 545 Bound Brook Road	1211-31-014-001
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Pearldhyan, Inc. 657 Lincoln Boulevard	1211-44-006-003
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Ellery's Grill, Inc. 701 Lincoln Boulevard	1211-32-004-002
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Faron Realty Management, LLC t/a Ferraro's Pizza & Pub 275 Lincoln Boulevard	1211-33-002-007
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Carpaccio Ristorante Inc. 651 Bound Brook Road	1211-33-010-002
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Cahoots, Inc. 624 Lincoln Boulevard	1211-33-003-003
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John W. Lupu Memorial Post 306 The American Legion 707 Legion Place	1211-31-013-001
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The Borough Clerk read the following resolution:

**BE IT RESOLVED** by the Mayor and Council of the Borough of Middlesex that:

**Resolution #126-16**

The Governing Body hereby authorizes the Mayor to execute the Contract with Garden State Fireworks, Inc. for a Firework Display at the Community Day on July 23, 2016 in the amount of \$25,000.

The Treasurer certifies funds in the amount of \$25,000 are available in Account No. 6-01-30-420-001-138.

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The Borough Clerk read the following resolution:

**BE IT RESOLVED** by the Mayor and Council of the Borough of Middlesex that:

**Resolution #127-16**

The governing body hereby accepts the resignation of Thomas Keane from the Office of Aging and Disabled Services.

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The Borough Clerk read the following resolution:

**BE IT RESOLVED** by the Mayor and Council of the Borough of Middlesex that:

**Resolution #129-16**

**SPECIAL ITEMS OF REVENUE AND APPROPRIATION**

**WHEREAS**, N.J.S.A. 40A:87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any County or Municipality when such items shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, said Director may also approve the insertion of any item of appropriation for equal amount;

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Middlesex, County of Middlesex hereby requests that the Director of Local Government Services approve the insertion of an item of revenue in the budget of the year 2016 in the sum of \$3,876.94, which item is now available as a revenue from the State Grant of Clean Communities Program in the amount of \$3,876.94;

**BE IT FURTHER RESOLVED** that the like sum of \$3,876.94 is hereby appropriated under the caption of "State Grant of Clean Communities Program; and

**BE IT FURTHER RESOLVED** that the above is a result of a State Grant of \$3,876.94 from the State Grant of Clean Communities Program.

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The Borough Clerk read the following resolution:

**BE IT RESOLVED** by the Mayor and Council of the Borough of Middlesex that:

**Resolution #119-16**

**RESOLUTION AUTHORIZING STATE CONTRACT PURCHASE OF BULLARD  
FIREFIGHTING HELMETS FOR FIRE DEPARTMENT**

**WHEREAS**, the Governing Body of the Borough of Middlesex wishes to purchase Bullard Firefighter Helmets for the Fire Department from an authorized vendor under the State of New Jersey Cooperative Purchasing Program; and

**WHEREAS**, the purchase of goods and services by local contracting units is authorized by the Local Contracts Law, 40A:11-12; and

**WHEREAS**, E D Bullard Company is under State Contract No. 80952 for the year 2016; and

**WHEREAS**, First Battalion Firefighting is an authorized dealer; and

**WHEREAS**, the cost for the purchase of the equipment is \$1,175.36; and

**NOW, THEREFORE BE IT RESOLVED** by the Mayor and Borough Council that the purchase of Bullard Firefighter Helmets is ordered under State Contract No. 80952 be and is hereby approved.

The Treasurer hereby certifies that the funds in the amount \$1,175.36 are available in Account No. C-04-14-855-000-075.

Councilman Mikolajczyk made a motion for approval seconded by Councilman Schueler and carried by the following roll call vote: Ayes: Greco, Kaplan, Corley, Madden, Schueler and Mikolajczyk. No: None. Abstain: None.

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The Borough Clerk read the following resolution:

**BE IT RESOLVED** by the Mayor and Council of the Borough of Middlesex that:

**Resolution #125-16**

The governing body hereby hires Robyn Seif as the Administrative Assistant for the Middlesex Police Department for 37½ hours per week at an annual salary of \$36,000 effective immediately pending a satisfactory drug/alcohol screening.

Councilman Mikolajczyk made a motion for approval seconded by Councilman Schueler and carried by the following roll call vote: Ayes: Greco, Kaplan, Corley, Madden, Schueler and Mikolajczyk. No: None. Abstain: None.

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The Borough Clerk read the following resolution:

**BE IT RESOLVED** by the Mayor and Council of the Borough of Middlesex that:

### **Resolution #128-16**

The governing hereby approves Phil Lore as the Medical Transportation Driver for the Office of Aging and Disabled Services effective June 15, 2016 at a rate of \$13.90 per hour pending a satisfactory driving abstract and drug/alcohol screening.

Councilman Mikolajczyk made a motion for approval seconded by Councilman Schueler and carried by the following roll call vote: Ayes: Greco, Kaplan, Corley, Madden, Schueler and Mikolajczyk. No: None. Abstain: None.

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The Borough Clerk read the following resolution:

**BE IT RESOLVED** by the Mayor and Council of the Borough of Middlesex that:

### **Resolution #130-16**

THE DISBURSING OFFICERS BE AND THEY ARE HEREBY AUTHORIZED TO PAY THE ATTACHED CLAIM LIST AS PRESENTED, IF FOUND CORRECT, AND APPROVED BY THE FINANCE COMMITTEE. EXCLUDED VOUCHERS MAY BE PAID UPON BEING FOUND ACCEPTABLE.

Councilman Mikolajczyk made a motion for approval seconded by Councilman Schueler and carried by the following roll call vote: Ayes: Greco, Kaplan, Corley, Madden, Schueler and Mikolajczyk. No: None. Abstain: None.

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### **PUBLIC COMMENTS**

Mayor DiMura opened the Public Portion of the meeting for any comments. Seeing that there was no public participation, Mayor DiMura closed the public portion of the meeting.

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### **DISCUSSION ON AGENDA WORKSHOP ITEMS**

1. Violating the Open Public Meetings regarding Executive Session Meeting – Mayor DiMura stated that on January 1 he spoke about putting our differences aside and working together. For the first almost six months of the year I think we have all done just that. We have been able to get things done that have been sitting around for a while and now we are starting to move our community in the right direction.

That's why I was taken back when someone from the public came into my office and spoke to me about an issue that was discussed in our executive session the night before. And what made it even more puzzling is that it was not accurate.

I am disappointed that someone would jeopardize all we have accomplished this year for a personal or political advantage.

We are all sworn to abide by laws that govern us and one of those laws has to do with the confidentiality of our executive sessions. We are not able to publicize anything discussed in Executive Session until the privilege no longer applies. By breaking that confidentiality you are putting yourself, your fellow members of the governing body and most of all the taxpayers of this community in jeopardy.

This cannot happen again, that is why I am asking our attorney to do an internal investigation. My advice to the person that did this is to speak to our attorney and make sure that they understand their responsibilities.

2. Possible Roads for the 2017 NJDOT Grant – Mayor DiMura is looking for suggestions for the 2017 NJDOT Grant which will be filed in the fall. Mayor DiMura requested that the council bring suggestions to the June 28, 2017 Regular Meeting.
3. 2016 Stream Cleaning – Mayor DiMura discussed the hiring of 13 temporary employees to do stream cleaning starting August 1. A consensus of council was to advertise for these part time employees, with a maximum of 10 employees. Councilman Kaplan has prepared a schedule for stream cleaning and we are now starting the third phase of this schedule. Mayor DiMura would like these employees to concentrate on the area behind Mountain View Park, and Councilman Kaplan suggested that these employees do an overview in the Phase 1 and Phase 2 areas. Applications will be distributed from the Clerk's Office.
4. Moisha Building – Mayor spoke with Barry Palumbo and Moisha is scheduled for court next month, but Ms. Palumbo stated that whatever happens in court does not matter what we can do. At this time the Board of Health is concerned with the Zika virus because of the puddling of water and open sewer. Councilman Kaplan also would not recommend anyone going over there because of it being an unsafe structure. Councilman Kaplan questioned if we can knock it down and put a lien on this property. Mayor DiMura indicated that we would need to send a letter to them and per Attorney Aithal's recommendation giving them 30 days to respond before moving forward. Mayor DiMura recommended having the Code Enforcer send out this letter, find funds to knock it down and put a lien on the property. A consensus of council was taken and agreed to move forward.

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## **PUBLIC COMMENTS**

Mayor DiMura opened the Public Portion of the meeting for any comments on Agenda Workshop Items.

Sharon Smigel, 27 Washington Avenue questioned if the Mayor would expand on the violation of the Open Public Meeting Act.

Mayor DiMura indicated that a member of the public came in and told him about what was discussed in executive session. They were speaking about the administrator position and the mayor asked the governing body to amend the ordinance to basically state that if the Mayor does the job of Administrator during the time that it is vacant the Mayor should be compensated for doing that job. It takes a lot of time to do the work and in the future when we don't have an Administrator the Mayor should be compensated. There was a consensus of council to look into this in the future. Mayor DiMura stated that that topic was discussed outside of the meeting and the discussion was that he was looking for payment for his services and that wasn't correct. Mayor DiMura indicated that trust is important and must be kept confidential.

Sharon Smigel also questioned what is considered a reasonable amount of time before Executive Session can be made public. Attorney Aithal indicated that there are 8 categories that are required in executive session and the meeting minutes cannot be made available to the public until the subject is resolved, as in the settlement of contract negotiations. If Council approves the executive meeting minutes and an item is not resolved, the Clerk can release the approved minutes redacting the item that is still not resolved.

Seeing that there was no public participation, Mayor DiMura closed the public portion of the meeting on the Agenda Workshop Items.

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The Borough Clerk read the following resolution:

**BE IT RESOLVED** by the Mayor and Council of the Borough of Middlesex that:

**Resolution #132-16**

**WHEREAS**, N.J.S.A. 10:4-12 allows for a Public Body to go into closed session during a Public Meeting; and

**WHEREAS**, the Governing Body of the Borough of Middlesex has deemed it necessary to go into closed session to discuss certain matters which are exempted from the Public; and

**WHEREAS**, the regular meeting of this Governing Body will reconvene.

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Middlesex will go into closed session for the following reason listed below as outlined in N.J.S.A. 10:4-12 and the minutes will be kept, and once the matter involving the confidentiality of the items no longer require confidentiality, the minutes can be made public.

1. Tax Collector/Deputy Tax Collector

2. DPW Manager Presentation which includes the hiring of part time and full time employees
3. Construction Department Office Manager
4. Part Time Finance Clerk

Councilman Schueler made a motion for approval seconded by Councilman Madden and carried by the following roll call vote: Ayes: Kaplan, Madden, Schueler and Mikolajczyk. No: None. Abstain: None.

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Councilman Madden moved to reconvene the Regular Meeting seconded by Councilman Schueler and carried by the following roll call vote.

### **ROLL CALL**

Mayor	Ron DiMura
Council President	Sean Kaplan
	Stephen Greco
	Patrick Corley
	John Madden
	Bob Schueler
	Jack Mikolajczyk

Attorney: Aravind Aithal

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The Borough Clerk read the following resolution:

**BE IT RESOLVED** by the Mayor and Council of the Borough of Middlesex that:

### **Resolution #131-16**

The governing body hereby hires Patricia Romano of Middlesex, New Jersey as a Part Time Finance Clerk for the Finance Department for 28 hours per week at an hourly rate of \$15.00 per hour effective June 20, 2016 pending a satisfactory background check and drug/alcohol screening.

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### **ADJOURNMENT**

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Councilman Schueler made a motion to adjourn the Regular Meeting seconded by Councilman Madden and carried by a unanimous vote of members present.

Respectfully yours,

Kathleen Anello, RMC  
Borough Clerk